

DEC 04 2006

REMARKS

Claims 1-20, all the claims pending in the application, stand rejected on prior art grounds. Applicants respectfully traverse these rejections based on the following discussion.

I. The Prior Art Rejections

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dayal et al. ("Active Database Systems," Sept. 1994), hereinafter referred to as "Dayal". Applicants respectfully traverse these rejections based on the following discussion.

Dayal teaches integrating a production rules facility into a database system and provides a uniform mechanism for a number of advanced database features including integrity constraint enforcement, derived data maintenance, triggers, alerters, protection, version control, and others. In addition, Dayal teaches that a database system with rule processing capabilities provides a useful platform for large and efficient knowledge-base and expert systems.

However, the Applicants' claimed invention, as provided in independent claims 1 and 13-15 contain features, which are patentably distinguishable from Dayal. Specifically, claims 1 and 13-15 recite, in part, "...registering alarms associated with a start and end of a lifespan of each temporal event; selectively deploying and selectively permanently removing the temporal events from said database based upon the changed temporal constraints; and upon reaching said end of said lifespan of said each temporal event, permanently removing from said database said alarm associated with the permanently removed temporal event." These features are neither taught or suggested in Dayal because in Dayal the temporal events are not physically completely removed from the database.

Page 6 of the Office Action suggests that Dayal teaches "registering alarms associated

with a start and end of a lifespan of each temporal event" and states that the following phrase teaches this element of the Applicants' claimed invention: "a rule is triggered whenever one or more of its triggering operation occurs. In addition, active database systems must provide mechanisms for event detection and rule triggering, for condition testing, for rule action execution, and for user development of rule applications." However, there is nothing in the above selections that remotely teaches "registering alarms associated with a start and end of a lifespan of each temporal event." Nonetheless, the Office Action concludes that "an ordinary person skilled in the art may reasonably infer that such alarms are anticipated in the database system, because for an active database system to be active, it must do event detection, and registering alarms illustrates such a point." However, the Office Action offers no tangible proof as to how one of ordinary skill in the art would infer this about alarms and offers no tangible evidence to support this proposition other than providing an unsubstantiated conclusionary statement unsupported by Dayal.

Furthermore, MPEP §2131 states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The argument presented in the Office Action does not coincide with the requirements of the MPEP in that the Office Action is arguing that one skilled in the art *may reasonably infer* that the Applicants' alarms are anticipated in the database system. Rather, under a rejection under 35 USC 102(b) and under MPEP §2131 Dayal must teach every element of the claim; there is nothing in MPEP §2131 that states that a proper rejection may use a standard such as that provided in the Office Action (i.e., "may reasonably infer"). Here, Dayal fails to teach "registering alarms associated with a start and end of a lifespan of each temporal

event." While, multiple references may be used in a rejection under 35 USC 102 (see MPEP §2131.01), there are only three instances when such a use of multiple references is permissible. First, to prove the primary reference contains an enabled disclosure. Second, to explain the meaning of a term used in the primary reference. Third, to show that a characteristic not disclosed in the reference is inherent. With respect to the first instance, enablement of the Dayal reference is not at issue here. With respect to the second and third instances, the Office Action offers no such tangible reference that explains the meaning of the terms used in the Dayal reference with respect to the alarms and the Office Action offers no such tangible reference that explains that the undisclosed characteristic regarding registering the alarms associated with a start and end of a lifespan of each temporal event is inherent. Absent such a tangible reference, the rejection is deficient and improper. Additionally, merely stating that one of ordinary skill in the art would understand this does not properly constitute extrinsic evidence because the rejection lacks clarity in indicating that the missing descriptive matter is necessarily present in Dayal. The reason behind this is that the Applicants do not have the ability to read the reference that provides this information and determine whether it is proper within the context of the Applicants' invention and whether it is combinable with Dayal in the manner suggested by the Office Action. Accordingly, the rejection based on 35 USC 102(b) is improper for failing to provide tangible evidence in support of the rejection.

Page 7 of the Office Action suggests that Dayal teaches "upon reaching said end of said lifespan of said each temporal event, permanently removing from said database said alarms associated with the permanent removed temporal event" and states that the following phrase teaches this element of the Applicants' claimed invention: "Rules refer to particular tables, and so are subject to the same controls as other metadata objects (e.g. views, constraints); thus if a

table is dropped, all rules defined for it are no longer operative.” However, there is nothing in the above selections that remotely teaches permanent removal of the alarms from the database. Nonetheless, the Office Action concludes that an ordinary person skilled in the art may reasonably infer that the table can be removed from the database and thereby all temporal constraints and alarms associated with the targeted table can be manually removed.” However, this is not what the Applicants’ claimed invention teaches. The Applicants’ claimed invention clearly refers to permanent removal of the alarms from the database. However, the Office Action is stating that Dayal teaches inoperable rules. Clearly, one of ordinary skill in the art would surmise that an inoperable rule is wholly distinct from a permanently removed alarm. Furthermore, the Office Action offers no proof as to how one of ordinary skill in the art would infer this about permanent removal of the alarms and offers no tangible evidence to support this proposition other than providing an unsubstantiated conclusionary statement unsupported by Dayal.

Furthermore, MPEP §2131 states that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The argument presented in the Office Action does not coincide with the requirements of the MPEP in that the Office Action is arguing that one skilled in the art *may reasonably infer* that the Applicants’ permanently removed alarms are anticipated in Dayal. Rather, under a rejection under 35 USC 102(b) and under MPEP §2131 Dayal must teach every element of the claim; there is nothing in MPEP §2131 that states that a proper rejection may use a standard such as that provided in the Office Action (i.e., “may reasonably infer”). Here, Dayal fails to teach “upon reaching said end of said lifespan of said each temporal

event, permanently removing from said database said alarms associated with the permanent removed temporal event." While, multiple references may be used in a rejection under 35 USC 102 (see MPEP §2131.01), there are only three instances when such a use of multiple references is permissible. First, to prove the primary reference contains an enabled disclosure. Second, to explain the meaning of a term used in the primary reference. Third, to show that a characteristic not disclosed in the reference is inherent. With respect to the first instance, enablement of the Dayal reference is not at issue here. With respect to the second and third instances, the Office Action offers no such tangible reference that explains the meaning of the terms used in the Dayal reference with respect to the alarms and the Office Action offers no such tangible reference that explains that the undisclosed characteristic regarding permanent removal of the alarms is inherent. Absent such a tangible reference, the rejection is deficient and improper. Additionally, merely stating that one of ordinary skill in the art would understand this does not properly constitute extrinsic evidence because the rejection lacks clarity in indicating that the missing descriptive matter is necessarily present in Dayal. The reason behind this is that the Applicants do not have the ability to read the reference that provides this information and determine whether it is proper within the context of the Applicants' invention and whether it is combinable with Dayal in the manner suggested by the Office Action. Accordingly, the rejection based on 35 USC 102(b) is improper for failing to provide tangible evidence in support of the rejection.

As previously stated, Section 2, Page 3, Paragraph 3 of Dayal merely states that:

Like any object, rules can be created, deleted, or modified. In addition, rule objects have some special operations, including: **fire**, which causes a rule to be triggered; **enable**, which causes a rule to be activated; **disable**, which causes a rule to be deactivated (so that it won't be triggered even if its triggering event occurs).

The above language of Dayal makes clear that the rules that are disabled are merely

deactivated, but are not permanently removed (or deleted) from the database. The Office Action offers no concrete evidence or reference in support of its conclusion that one of ordinary skill in the art would infer this to be equivalent. Indeed, such is not the case. Furthermore, Dayal indicates that the deactivated rule is merely not triggered when it becomes disabled, which indicates that the deactivated rule still remains on the database; it simply is not triggered when disabled. However, having these deactivated rules on the database system still require that the rules are residing on the database system. This is disadvantageous in that database memory is being utilized on deactivated elements. Conversely, in the Applicants' claimed invention database memory is inherently saved due to the permanent removal of the alarms.

Again, Dayal is different from the Applicants' claimed invention, which permanently removes the temporal events and corresponding alarms from the database based upon the changed temporal constraints. Hence, in the Applicants' claimed invention a deactivated rule will not be triggered because it will not exist on the database, whereas in Dayal, a deactivated rule will not trigger because it is merely disabled (but still exists on the database and consumes processing resources nonetheless). This is a significant and patentable difference between the Applicants' claimed invention and Dayal because by permanently removing the triggers from the database significantly increases the overall system efficiency, thereby improving the overall system performance including system response time (as indicated in the Applicants' Figs. 7-9).

Furthermore, there is nothing in Dayal that suggests incorporating alarms associated with a start and end of a lifespan of each temporal event, as the Applicants' claimed invention provides. Accordingly, Dayal is missing at least one element that the Applicants' claimed invention clearly provides, which under 35 U.S.C. §102 renders the Applicants' claimed invention patentable over Dayal. Therefore, the Applicants respectfully submit that Dayal does

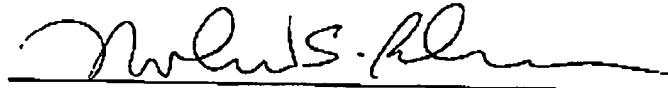
not teach or suggest the features defined by independent claims 1 and 13-15 and as such, claims 1 and 13-15 are patentable over Dayal. Further, dependent claims 2-12 and 16-20 are similarly patentable over Dayal, not only by virtue of their dependency from patentable independent claims, respectively, but also by virtue of the additional features of the invention they define. Moreover, the Applicants note that all claims are properly supported in the specification and accompanying drawings. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. Formal Matters and Conclusion

In view of the foregoing, Applicants submit that claims 1-20, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,



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